

# EXHIBIT 31

Message

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**From:** chrome-privacy@google.com [chrome-privacy@google.com]  
on behalf of Chris Palmer [palmer@google.com]  
**Sent:** 9/23/2014 9:56:10 PM  
**To:** chrome-security [chrome-security@google.com]; Chrome Privacy [chrome-privacy@google.com]  
**Subject:** I promise this is my last rant about Incognito :)

<http://abcnews.go.com/Business/googles-eric-schmidt-calls-julian-assange-paranoid-tim/story?id=25679642>

""""

Speaking with ABC News, Schmidt addressed a recent comment by Apple CEO Tim Cook that for Internet companies, "You're the product." While Cook didn't address Google by name, he criticized firms that "build a profile based on your email content or Web browsing habits to sell to advertisers."

"I think that's not quite right," Schmidt said of Cook's letter published last week. "The fact of the matter is Google allows you to delete the information that we know about you and in fact, Google is so concerned about privacy that you could in fact, if you're using Chrome for example, you can browse in what is called 'incognito mode' where no one sees anything about you. So I just don't think that's right."  
""""

This is clear evidence that people don't and indeed cannot understand Incognito's guarantee(s) and non-guarantee(s). Even Eric Schmidt, and even when accuracy is of paramount importance. **Normal people have no chance.**

It is (past) time for Incognito's useful functionality to be subsumed into normal profile settings, or at least renamed to Temporary Mode or something.

Incognito's confusability is actively harmful to the Chrome and Google brands.

PRODBEG: GOOG-CABR-05287675  
PRODBEGATT:  
PRODEND: GOOG-CABR-05287675  
PRODENDATT:  
PRODVOL: CROSS-PROD046  
2nd\_CROSS\_BEGBATES:  
2nd\_CROSS\_ENDBATES:  
AllCustodians: Chris Palmer;Jochen Eisinger;Justin Schuh;Sabine Borsay  
TO: chrome-security <chrome-security@google.com>;chrome privacy <chrome-privacy@google.com>  
FROM: chris palmer <palmer@google.com>  
CC:  
BCC:  
CONFIDENTIALITY: CONFIDENTIAL  
CROSS\_ALLCUSTODIANS:  
CROSS\_ATTACHMENTNAME:  
CROSS\_BEGATTACH:  
CROSS\_BEGBATES:  
CROSS\_CC:  
CROSS\_CONFIDENTIALITY:  
CROSS\_CUSTODIAN:  
CROSS\_DATECREATED:  
CROSS\_DATEMOD:  
CROSS\_DATERECEIVED:  
CROSS\_DATESENT:  
CROSS\_DE-DUPED CUSTODIANS:  
CROSS\_ENDATTACH:  
CROSS\_ENDBATES:  
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CROSS\_MD5 HASH:  
CROSS\_MESSAGE ID:  
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CROSS\_PRODVAL:  
CROSS\_REDACTED:  
CROSS\_SUBJECT:  
CROSS\_TITLE:  
CROSS\_TO:  
CUSTODIAN/SOURCE: Sabine Borsay  
DATECREATED:  
DATELASTMOD: 09/23/2014  
DATERCVD:  
DATESENT: 09/23/2014  
DeDupedCustodians: Chris Palmer;Jochen Eisinger;Justin Schuh;Sabine Borsay  
DOEXT: eml  
FILENAME:  
ILS\_ProdDate: 11/24/2021  
CROSS\_ILS\_ProdDate:  
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MessageID: <CAOuvq200RnjiKPU8YfDPRYoA1+iZHTjH3N\_UZdXUmcGCC+mrMA@mail.gmail.com>  
NATIVEFILE:  
Owner: palmer  
PAGES: 1  
REDACTED: N

SUBJECT: I promise this is my last rant about Incognito :)